

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

REX BRYANT,)	
)	
Plaintiff,)	
)	
v.)	3:07-CV-124
)	(PHILLIPS/SHIRLEY)
)	
MICHAEL J ASTRUE,)	
Commissioner)	
of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court has the power “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing. Shalala v. Schaefer, 509 U.S. 292, 296 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991). The parties have submitted a Joint Motion for Entry of Judgment with Remand under Sentence Four of 42 United States Code Section 405 (g), and said motion is presently pending before this Court. [Doc. 14]. The parties move for a remand, which would allow the Administrative Law Judge (ALJ) to make further findings of fact and explanations of those findings of fact in the record. Accordingly, this Court finds the Joint Motion [Doc. 14] well-taken, and it is **GRANTED**.

On remand, the Administrative Law Judge (ALJ) will obtain medical expert evidence by obtaining an orthopedic consultative examination with a medical source statement on what Plaintiff can still do despite his impairments; request the treating sources to provide additional evidence and medical source statements; make a finding at step three of the sequential evaluation;

and reevaluate Plaintiff's residual functional capacity. Depending on whether a fully favorable decision can be rendered by the ALJ based upon a review of the updated record without additional testimony, then a hearing will not be necessary. If a hearing is determined to be necessary, the ALJ will conduct a supplemental hearing where Plaintiff will be afforded the opportunity to present any additional evidence and to testify. The ALJ will then issue a new decision.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Procedure.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge